

Völkerrechtsblog

Der Blog des Arbeitskreises junger Völkerrechtswissenschaftler*innen

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RULE OF LAW GOES GLOBAL SYMPOSIUM

“You can’t be neutral on a moving train”

MICHAEL RIEGNER — 1 July, 2015



Conference symposium “Rule of law goes global”

“The rule of law maintains things as they are. Therefore, to begin the process of change, to stop a war, to establish justice, it may be necessary to break the law, to commit acts of civil disobedience, as Southern blacks did, as antiwar protesters did”. In his autobiography “You can’t be neutral on a moving train”, American historian and activist Howard Zinn confronts us with this scathing critique of one of the great legal and political ideas of our time.

For Zinn, a protagonist of the “history from below” movement and author of the widely read “People’s History of the United States”, mainstream accounts of the rule of law as

a neutral system of rules do not adequately reflect subaltern experiences of the law. Likewise, the detached and objectified position implicit in many invocations of the rule of law is not his personal stance: Once the train starts moving on the journey of life in which events take fatal routes, you can’t be neutral because that means submitting to your fate.

Still, for better or worse, the rule of law, Rechtsstaat, Etat de droit, has become a key language and driver of legal globalization. National legal systems around the world recognize it as a general principle; it has become a mantra in international diplomacy and nourishes a whole industry promoting “rule of law reforms”; and it is routinely invoked as a principle governing international relations and international institutions. The rule of *international law* is thus part of a global discourse that transcends legal orders and levels of governance.

Rule of Law goes global – the conference and symposium

This global approach to rule of law is at the heart of this week’s online symposium and conference “Rule of law goes global”. The conference is organized by our cooperation partner, the journal “Law and Politics in Asia, Africa and Latin America”, which holds its annual gathering from 3-4 July in Potsdam. The journal has a longstanding tradition of reflecting on the rule of law in the Global South, both in national and international law. This week’s conference will address the rule of law in national legal systems in Latin America and India; bilateral rule of law promotion in Bangladesh and Africa; the rule of human rights law in development; and rule of law in international institutions

like the UN and the World Bank. The full program can be accessed [here](#).

Our online symposium will take some of these discussions to the blogosphere. Conference speakers will present their arguments on this blog in the coming days, and we encourage our readers to join the virtual debate. Posts in this series can be accessed [here](#). Likewise, readers are welcome to join the discussion in Potsdam, including the keynote lecture “[Law as relay in Latin America](#)” on Friday evening. In this way, our symposium attempts to capture the spirit of some of the rule of law debates in and between the North and the South.

In these global rule of law debates, Howard Zinn’s critique will spark controversy among international lawyers, too. As [the South is rising](#), does the rule of law maintain things as they are? Do new powers like India, China and Brazil, or new social movements in the South, invoke arguments along Zinn’s line to bring about change in international law, too? Can we hear the subaltern speak in the rule of law discourse? And how neutral can the rule of law be in a postcolonial world? As lawyers grapple with these questions, rapper Vinnie Paz has already given Zinn a (post)colonial spin: Since Columbus “discovered” America, “[you can’t be neutral on a moving train](#)”.

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This post kicks off our conference symposium “Rule of law goes global”. The other posts in this series can be accessed [here](#).

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